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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 **LARRY DEAN PADILLA,**

15 Plaintiff,

16 v.

17 **M. S. EVANS,**

18 Defendant.
19

CASE NO. C 06-1725 JF

**DECLARATION OF SCOTT
J. FEUDALE IN SUPPORT OF
DEFENDANT'S EX PARTE
REQUEST FOR EXTENSION
OF TIME TO FILE A REPLY
TO PLAINTIFF'S
OPPOSITION TO
DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

20 I, SCOTT J. FEUDALE declare:

21 1. I am a Deputy Attorney General in the California Attorney General's Office, counsel of
22 record for Defendant Evans (Defendant) in this matter. I am competent to testify to the matters
23 set forth in this declaration, and if called upon to do so, I would and could so testify. I submit
24 this declaration in support of Defendant's request for an extension of time to file his reply to
25 Plaintiff's Opposition to Defendant's Motion for Summary Judgment.

26 2. According to the Court's June 10, 2008 order granting Plaintiff's request for an
27 extension of time to file his opposition, the last day for Defendant to file a reply to Plaintiff's
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1 Opposition to Defendant's dispositive motion is fifteen days after Plaintiff files his Opposition.
2 On June 26, 2008, Plaintiff filed his opposition to Defendant's motion for summary judgment.
3 Accordingly, under the current scheduling order, Defendant has until July 11, 2008, to file a reply
4 to Plaintiff's opposition.

5 3. Based on the following, Defendant respectfully requests a 15-day extension of time up
6 to and including July 28, 2008, to file a reply to Plaintiff's Opposition to Defendant's Motion for
7 Summary Judgment:

8 a. During the time period between the time Plaintiff filed his Opposition to
9 Defendant's Motion for Summary Judgment and today, I have been managing a busy case load.
10 During the last week of June and first two weeks of July 2008, I prepared and filed a reply to an
11 opposition to a motion for summary judgment in the case of *Alls v. Friedman*, United States
12 District Court, Northern District of California, Case No. 05-0901; prepared and filed a motion for
13 judgment on the pleadings in the case of *Liebb v. Daly*, United States District Court, Northern
14 District of California, Case No. 04-0950 CW; co-drafted an opposition to a motion for limited
15 remand and drafted a motion for reconsideration in the case of *Lira v. Kirkland*, United States
16 Court of Appeals for the Ninth Circuit, Case No. 08-15529; drafted an opposition to a motion for
17 contempt and sanctions in the case of *Jones v. Cunningham*, United States District Court,
18 Northern District of California, Case No. 99-20023 RMW; and attended a case management
19 conference in the case of *Crayton v. Scheerer*, Monterey County Superior Court, Case No. M
20 77472.

21 b. In addition, from July 4, 2008 through July 7, 2008, I was out of the office.

22 4. Because Plaintiff is currently incarcerated, he cannot easily be contacted for an
23 extension of time.

24 5. No previous extensions of time has been sought regarding the filing of Defendant's
25 reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment. This request is


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1 not made for the purpose of harassment or undue delay or for any improper reason.

2 I declare under penalty of perjury that the forgoing is true and correct to the best of my
3 knowledge. Executed at San Francisco, California, on July 11, 2008.

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6 Scott J. Feudale
Deputy Attorney General